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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
| 09/871,917 | 06/01/2001 | Anton V. Komar | AT1.0100530 | 1372 |

34456 7590 11/14/2005

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EXAMINER

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| ART UNIT | PAPER NUMBER |
|----------|--------------|

2617

DATE MAILED: 11/14/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

| | | | |
|------------------------------|---------------------------------------|--|--|
| Office Action Summary | Application No. 09/871,917 | Applicant(s) KOMAR, ANTON V. | |
| | Examiner Michael Van Handel | Art Unit 2617 | |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-9, 11, 12, 14-21, 23, 25-34, 36-40 and 42-51 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-9, 11, 12, 14-21, 23, 25-34, 36-40 and 42-51 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s)/Mail Date. ____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date ____ | 6) <input type="checkbox"/> Other: ____ |

DETAILED ACTION

Response to Amendment

1. This action is responsive to an Amendment filed 7/12/2005. Claims **1-9, 11-12, 14-21, 23, 25-34, 36-40, 42-51** are pending. Claims **1-2, 9, 17-18, 32-34** are amended. Claims **10, 13, 22, 24, 35, 41** are cancelled. Claims **46-51** are new.

Response to Arguments

1. Applicant's arguments filed 7/12/2005 with respect to claims **1-9, 11-12, 14-21, 23, 25-34, 36-40, 42-45** have been fully considered but they are not persuasive.

Regarding the applicant's argument that Shoff et al. does not disclose "providing at least a portion of the program content information to a user based on a one or more user selected criteria," the examiner respectfully disagrees. Shoff et al. discloses soft buttons 218-220 that enable selection of different types of supplemental content. Shoff et al. uses the example of a Star Trek program, stating that the user may select to view an encyclopedia, a program guide listing Star Trek shows for a two-week period, or show-related entertainment content (see col. 11, l. 25-44)(Fig. 8c).

Specification

1. The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed.

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Claim Rejections - 35 USC § 112

2. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

Claims 1, 18, and 32 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter, which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

In this particular case, the limitation “wherein said program content information is provided based on at least one of a program identifier which does not include a predetermined address to a target resource” does not meet the written description requirement.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 1-6, 8-13, 15-26, 28-29, 31-37, 39-41, 43-45 rejected under 35 U.S.C. 102(e) as being anticipated by Shoff et al. (U.S. Patent # 6,240,555).

As for **Claim 1**, Shoff et al. teach a method comprising:

obtaining a program identifier from a program database (see Fig 2 and 4 unit 46 Program Information Database, col. 5 lines 6-11 “An EPG server 44 is provided at headend 22 to serve the programming information needed by the EPG at the viewer computing unit 24. The EPG server 44 is implemented as a structured query language (SQL) **database 46 with records containing information relating to available shows or programs.**” The EPG database 46 is interpreted to be a program database where program identifier can be obtained. And col. 8 lines 35-44 “An EPG application 104 is stored in program memory 96 and executes on the processor 92 to organize programming information downloaded from the EPG server at the headend. The EPG 104 supports a displayable user interface (UI) which visually correlates **programs titles** to scheduled viewing times and tuning information, such as a channel, in a scrollable grid format.” The program title is interpreted to be a program identifier), wherein the program identifier is associated with a particular program. The program identifier (program title) is interpreted to be associated with the program it holds the title for;

accessing program content information associated with the program identifier from an information database (see fig. 2 and 4 units 54 and 86 Supplemental Content database, col. 5 lines 11-22 “The headend 22 further includes an enhanced content server 52 which serves supplemental interactive content to the viewer computing units to enhance or supplement the continuous video streams served by the continuous media server 42. The supplemental content is stored digitally in database 54 and can be text, graphics, video, picture, sound, or other multimedia types. and col. 7 lines 26-35 “The interactive entertainment system 60 also includes multiple independent service providers (ISPs), as represented by ISP 80, which distribute digital content to the viewer computing unit 62 over a second network 82. An example of the second

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network 82 is a public network, such as the Internet. The ISP 80 has a host 84 and a content database 86 to serve various multimedia content to the viewer's computer. The ISP host 84 stores one or more target resources that can be rendered by the viewer computing unit 62."

Supplemental Content database servers 54 and 86 are interpreted to be information databases that provide program content information associated with a program title to users); and

providing at least a portion of the program content information to a user (see col. 7 lines 32-35 "The ISP 80 has a host 84 and a content database 86 to serve various multimedia content to the viewer's computer. The ISP host 84 stores one or more target resources that can be rendered by the viewer computing unit 62"), wherein said program content information is provided based on at least one of: a program identifier which does not include a predetermined address to a target resource or one or more user selected criteria (see col. 11, l. 25-67 and col. 12, l. 1-23)(Fig. 8c).

The USPTO considers the applicant's "at least one of" language to be anticipated by any reference containing any of the subsequent corresponding elements.

As for **Claim 2**, Shoff et al. teach receiving a time and a channel associated with the particular program (see col. 8 lines 64-67 "The viewer computing unit checks the appropriate channel and time slot of the EPG data structure 48 to determine if the program being carried on the selected channel at this time is interactive (step 152)"); and providing the time and the channel to the program database (see col. 8 lines 64-67 "The viewer computing unit checks the appropriate channel and time slot of the EPG data structure 48 to determine if the program being carried on the selected channel at this time is interactive (step 152)". It is interpreted that the

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time and channel information associated with the particular program is provided to the program database (Program Information database 46 that is within EPG server 44) to check if the particular program is interactive or not).

As for **Claim 3**, Shoff et al. teach the channel is accessed from a tuner (see fig. 6 step 150, col. 8 lines 62-64 “The method begins when a viewer tunes to a particular channel (step 150 in FIG. 6). The channel navigator 102 **controls the tuner 98 to tune to the channel**”).

As for **Claim 4**, Shoff et al. teach the channel is specified by the user (see fig. 6 step 150, col. 8 lines 62-64 “The method begins when a viewer tunes to a particular channel (step 150 in FIG. 6)).

As for **Claim 5**, Shoff et al. teach the program database includes an Internet database (see col. 7 lines 19-25 “The headend 22 serves the programs over a first network 74, which may be implemented like the fiber optic distribution structure described above, or as a satellite system or other wireless broadcast system, or as a conventional data network. It is noted that other program providers may be used instead of a headend, such as a broadcast station or an **online service provider**.” When an online service provider is used, it is interpreted that the program database includes an Internet database).

As for **Claim 6**, Shoff et al. teach the information database is accessible through the Internet (col. 7 lines 26-35 “The interactive entertainment system 60 also includes multiple

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independent service providers (ISPs), as represented by ISP 80, which distribute digital content to the viewer computing unit 62 over a second network 82. **An example of the second network 82 is a public network, such as the Internet.** The ISP 80 has a host 84 and a content database 86 to serve various multimedia content to the viewer's computer. The ISP host 84 stores one or more target resources that can be rendered by the viewer computing unit").

As for **Claim 8**, Shoff et al. teach the particular program is a multimedia program (see col. 4 lines 18-20 "These programs might include traditional broadcast TV shows, movies, games, and the like." Broadcast TV shows, movies, and games are interpreted to be multimedia files because they typically incorporate video, audio, and text files).

As for **Claim 9**, Shoff et al. teach the multimedia program is a television program, a current program, a future program (see col. 4 lines 18-20 "These programs might include traditional broadcast TV shows, movies, games, and the like.")(Fig. 3), or an audio program (see col. 5 lines 49-54 "In concept, the target resource can be virtually any type of object—including executable programs, text or multimedia documents, **sound clips, audio segments**, still images, computers, directories, and other hyperlinks.").

As for **Claim 11**, Shoff et al. teach the particular program is selected by the user (see fig. 6 step 150, col. 8 lines 62-64 "The method begins when a viewer tunes to a particular channel (step 150 in FIG. 6)).

As for **Claim 12**, Shoff et al. teach the at least a portion of the program content information is a brief description of the particular program (see col. 3 lines 28-35 “The Internet browser uses the target specification in the EPG to start the target resource. The target resource contains the supplemental content to enhance the television program. The supplemental content might by, for example, questions about the program, games, trivia information, **facts about the actors and producers**, information on other episodes, advertisements, **a listing of products or memorabilia about the program**, and so on.” Facts about the actors and producers are interpreted to be part of a brief description of the particular program).

As for **Claim 15**, Shoff et al. teach the program identifier is a program title (col. 8 lines 35-44 “An EPG application 104 is stored in program memory 96 and executes on the processor 92 to organize programming information downloaded from the EPG server at the headend. The EPG 104 supports a displayable user interface (UI) which visually correlates **programs titles** to scheduled viewing times and tuning information, such as a channel, in a scrollable grid format.” The program title is interpreted to be a program identifier.

As for **Claim 16**, Shoff et al. teach providing the at least a portion of the program content information includes displaying the representation of the program content information on a display device (see fig. 8b col. 10 line 59-col. 11 line 2 “FIG. 8b illustrates a screen 200 that is part of the interactive mode. Here, the video program is constrained within a program boundary 210 which is less than full-screen size. The program boundary 210 has been reduced in comparison to the full-size presentation of FIG. 8a to make room for the supplemental content.

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In this illustration, **the supplemental content consists of a main menu having soft buttons 212-221, a highlighter or cursor icon 224, graphics bars 226, and a text block 228 to hold the program title. The soft buttons 212-221 present various control options to the viewer to invite interactive involvement with the program.”).**

As for **Claim 17**, Shoff et al. teach providing an advertisement associated with the information database to the user (see col. 3 lines 28-35 “The Internet browser uses the target specification in the EPG to start the target resource. The target resource contains the supplemental content to enhance the television program. The supplemental content might by, for example, questions about the program, games, trivia information, facts about the actors and producers, information on other episodes, **advertisements**, a listing of products or memorabilia about the program, and so on.”).

As for **Claim 18**, Shoff et al. teaches a system comprising:

a network interface (see fig. 4 unit 62 PCTV, col. 7 lines 9-17 “FIG. 4 shows an interactive entertainment system 60 according to a second implementation which accommodates third party independent service providers. Interactive entertainment system 60 includes headend 22 which supplies programs and supplemental content to a viewer computing unit 62.” Unit 62 PCTV is interpreted to be a network interface) to access:

an information database (see fig. 2 and 4 units 54 and 86 Supplemental Content database, col. 5 lines 11-22 “The headend 22 further includes an enhanced content server 52 which serves supplemental interactive content to the viewer computing units to enhance or supplement the

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continuous video streams served by the continuous media server 42. The supplemental content is stored digitally in database 54 and can be text, graphics, video, picture, sound, or other multimedia types.” Database 54 and 86 are interpreted to be information database that provide content information associated with a program identifier) to provide program content information associated with a program identifier, wherein the program identifier is associated with a particular program and provided from a program database (see Fig 2 and 4 unit 46 Program Information Database, col. 5 lines 6-11 “An EPG at the viewer computing unit 24. The EPG server 44 is implemented as a structured query language (SQL) **database 46 with records containing information relating to available shows or programs.**” The EPG database 46 is interpreted to be a program database where program identifier can be obtained. And col. 8 lines 35-44 “An EPG application 104 is stored in program memory 96 and executes on the processor 92 to organize programming information downloaded from the EPG server at the headend. The EPG 104 supports a displayable user interface (UI) which visually correlates **programs titles** to scheduled viewing times and tuning information, such as a channel, in a scrollable grid format.” The program title is interpreted to be a program identifier.);

a description generator to (see fig. 5 unit 90, col. 8 lines 40-51 “FIG. 5 shows a viewer computing unit, referenced generally as numeral 90, in more detail. The viewer computing unit 90 includes a processor 92, a volatile memory 94, and a program memory 96. The viewer computing unit 90 also has at least one receiver, and possibly two receivers, for receiving the video stream from the headend and the digital supplemental data from the headend of ISP.” Viewer computing unit 90 is interpreted to be a description generator):

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obtain said program identifier from said program database (see Fig 2 and 4 unit 46 Program Information Database, col. 5 lines 6-11 “An EPG server 44 is provided at headend 22 to serve the programming information needed by the EPG at the viewer computing unit 24. The EPG server 44 is implemented as a structured query language (SQL) **database 46 with records containing information relating to available shows or programs.**” The EPG database 46 is interpreted to be a program database where program identifier can be obtained.); access said program content information from said information database through said network interface (see fig. 2 and 4 units 54 and 86 Supplemental Content database, col. 5 lines 11-22 “The headend 22 further includes an enhanced content server 52 which serves supplemental interactive content to the viewer computing units to enhance or supplement the continuous video streams served by the continuous media server 42. The supplemental content is stored digitally in database 54 and can be text, graphics, video, picture, sounds, or other multimedia types.” and col. 7 lines 26-35 “The interactive entertainment system 60 also includes multiple independent service providers (ISPs), as represented by ISP 80, which distribute digital content to the viewer computing unit 62 over a second network 82. An example of the second network 82 is a public network, such as the Internet. The ISP 80 has a host 84 and a content database 86 to serve various multimedia content to the viewer’s computer. The ISP host 84 stores one or more target resources that can be rendered by the viewer computing unit 62.” Supplemental Content database servers 54 and 86 are interpreted to be information databases that provide program content information associated with a program title to users.”);

present said program content information to a display device (see col. 7 lines 32-35 “The ISP 80 has a host 84 and a content database 86 to serve various multimedia content to the

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viewer's computer. The ISP host 84 stores one or more target resources that can be rendered by the viewer computing unit 62.”), wherein said program content information is provided based on at least one of: a program identifier which does not include a predetermined address to a target resource or one or more user selected criteria (see col. 11, l. 25-67 and col. 12, l. 1-23)(Fig. 8c) (the USPTO considers the applicant's "at least one of" language to be anticipated by any reference containing any of the subsequent corresponding elements); and

said display to provide said program content information (see fig. 8b col. 10 line 59-col. 11 line 2 “FIG. 8b illustrates a screen 200 that is part of the interactive mode. Here, the video program is constrained within a program boundary 210, which is less than full-screen size. The program boundary 210 has been reduced in comparison to the full-size presentation of FIG. 8a to make room for the supplemental content. In this illustration, **the supplemental content consists of a main menu having soft buttons 212-221, a highlighter or cursor icon 224, graphics bars 226, and a text block 228 to hold the program title. The soft buttons 212-221 present various control options to the viewer to invite interactive involvement with the program.**”).

As for **Claim 19**, Shoff et al. teach said program database is accessed through said network interface (see fig. 4 unit 44 and 62. The figure clearly shows information from unit 46 program information database (program database) is transferred to unit 62 PC-TV (the network interface)).).

As for **Claim 20**, Shoff et al. teach including a control interface to receive a request to present said program content information related to said particular program (see fig. 6 unit 164

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“Viewer Activate?” col. 9, l. 54-65 “If the viewer decides to enter into an interactive mode, the viewer employs a remote control handset, mouse, keyboard, or other mechanism to actuate the icon 204. This causes the browser 106 to start the target resource located by the target specification listed in the EPG data structure (step 170 via the “yes” branch from step 164). This leads to another approach to invoking the supplemental content. Rather than displaying an icon and waiting for input from the viewer, the viewer computing unit can automatically activate the target resource as soon as the browser is loaded on the processor (step 170 from the “automatic” branch from step 160).” The viewer chooses to access the interactive content using a remote control, mouse or keyboard. The remote control, mouse, or keyboard is interpreted to be a control interface that receives a request to present said program content information related to said particular program.).

As for **Claim 21**, Shoff et al. teach said request includes a time and a channel associated with said particular program (see col. 8 lines 64-67 “The viewer computing unit checks the appropriate channel and time slot of the EPG data structure 48 to determine if the program being carried on the selected channel at this time is interactive (step 152)”).

As for **Claim 23**, Shoff et al. teach said particular program is presented on said display (see fig. 8b col. 10 line 59-col. 11 line 2 “FIG. 8b illustrates a screen 200 that is part of the interactive mode. Here, the video program is constrained within a program boundary 210 which is less than full-screen size. The program boundary 210 has been reduced in comparison to the full-size presentation of FIG. 8a to make room for the supplemental content. In this illustration,

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the supplemental content consists of a main menu having soft buttons 212-221, a highlighter or cursor icon 224, graphics bars 226, and a text block 228 to hold the program title. The soft buttons 212-221 present various control options to the viewer to invite interactive involvement with the program.”).

As for **Claim 25**, Shoff et al. teach said particular program is a multimedia program (see col. 4 lines 18-20 “These programs might include traditional broadcast TV shows, movies, games, and the like.” Broadcast TV shows, movies, and games are interpreted to be multimedia files because they typically incorporate video, audio, and text files).

As for **Claim 26**, Shoff et al. teach said program content information includes a brief description of said particular program (see col. 3 lines 28-35 “The Internet browser uses the target specification in the EPG to start the target resource. The target resource contains the supplemental content to enhance the television program. The supplemental content might be, for example, questions about the program, games, trivia information, **facts about the actors and producers**, information about other episodes, advertisements, **a listing of products or memorabilia about the program**, and so on.” Facts about the actors and producers are interpreted to be part of a brief description of the particular program).

As for **Claim 28**, Shoff et al. teach said program identifier includes a program title associated with said particular program (col. 8 lines 35-44 “An EPG application 104 is stored in program memory 96 and executes on the processor 92 to organize programming information

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downloaded from the EPG server at the headend. The EPG 104 supports a displayable user interface (UI) which visually correlates **programs titles** to scheduled viewing times and tuning information, such as a channel, in a scrollable grid format.” The program title is interpreted to be a program identifier.)

As for **Claim 29**, Shoff et al. teach said information database includes an Internet website (see col. 5 lines 24-33 “In the implementation described herein, the supplemental content is constructed as a hypertext file which is rendered by a browser. Hypertext, or hypermedia, is a metaphor for presenting information in which text, images, sounds, and actions become linked together in a complex, non-sequential web of associations that permit a user to browse through related topics, regardless of the presented order of the topics. Hypermedia content is widely used for navigation and information dissemination on the “World-Wide Web” (WWW or Web) of the Internet.” And col. 6 lines 37-39 “The following is an example of a URL listed in the EPG data structure 48 in association with the “Seinfeld” program: <http://www.nbc.com/seinfeld>”).

As for **Claim 31**, Shoff et al. teach an advertisement associated with the information database (see col. 3 lines 28-35 “The Internet browser uses the target specification in the EPG to start the target resource. The target resource contains the supplemental content to enhance the television program. The supplemental content might be, for example, questions about the program, games, trivia information, facts about the actors and producers, information on other episodes, **advertisements**, a listing of products or memorabilia about the program, and so on.”).

As for **Claim 32**, Shoff et al. teaches a computer readable medium tangibly embodying a program of instructions, said program of instructions comprising instructions to (see fig. 5 unit 90, col. 8 lines 4-51 “FIG. 5 shows a viewer computing unit, referenced generally as numeral 90, in more detail. The viewer computing unit 90 includes a processor 92, a volatile memory 94, and a program memory 96. The viewer computing unit 90 also has at least one receiver, and possibly two receivers, for receiving the video stream from the headend and the digital supplemental data from the headend or ISP. The first receiver is in the form of a tuner 98 which tunes to the channel or broadcast frequency to receive a video data stream from a program source, such as the headend, broadcaster, or other program provider. The second receiver, referenced generally as 100, can be implemented as a second tuner for receiving the content over a cable or wireless distribution network, or a modem for receiving the supplemental content over the Internet or other data network.” The viewer-computing unit 90 is interpreted to be computer readable medium tangibly embodying a program of instructions):

Obtain a program identifier from a program database, wherein the program identifier is associated with a particular program (see Fig 2 and 4 unit 46 Program Information Database, col. 5 lines 6-11 “An EPG server 44 is provided at headend 22 to serve the programming information needed by the EPG at the viewer computing unit 24. The EPG server 44 is implemented as a structured query language (SQL) **database 46 with records containing information relating to available shows or programs.**” The EPG database 46 is interpreted to be a program database where the program identifier can be obtained. And col. 8 lines 35-44 “An EPG application 104 is stored in program memory 96 and executes on the processor 92 to organize programming information downloaded from the EPG server at the headend. The EPG 104 supports a

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displayable user interface (UI) which visually correlates **programs titles** to scheduled viewing times and tuning information, such as channel, in a scrollable grid format.” The program title is interpreted to be a program identifier.). The program identifier (program title) is interpreted to be associated with the program it holds the title for); access program content information associated with the program identifier from an information database (see fig. 2 and 4 units 54 and 86 Supplemental Content database, col. 5 lines 11-22 “The headend 22 further includes an enhanced content server 52 which serves supplemental interactive content to the viewer computing units to enhance or supplement the continuous video streams served by the continuous media server 42. The supplemental content is stored digitally in database 54 and can be text, graphics, video, picture, sound, or other multimedia types.” and col. 7 lines 26-35 “The interactive entertainment system 60 also includes multiple independent service providers (ISPs), as represented by ISP 80, which distribute digital content to the viewer computing unit 62 over a second network 82. An example of the second network 82 is a public network, such as the Internet. The ISP 80 has a host 84 and a content database 86 to serve various multimedia content to the viewer’s computer. The ISP host 84 stores one or more target resources that can be rendered by the viewer computing unit 62.” Supplemental Content database servers 54 and 86 are interpreted to be information databases that provide program content information associated with a program title to users.); and

provide at least a portion of the program content information to a user (see col. 7 lines 32-35 “The ISP 80 has a host 84 and a content database 86 to serve various multimedia content to the viewer’s computer. The ISP host 84 stores one or more target resources that can be rendered by the viewer computing unit 62.”), wherein said program content information is provided based

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on at least one of: a program identifier which does not include a predetermined address to a target resource or one or more user selected criteria (see col. 11, l. 25-67 and col. 12, l. 1-23)(Fig. 8c).

The USPTO considers the applicant's "at least one of" language to be anticipated by any reference containing any of the subsequent corresponding elements.

As for **Claim 33**, Shoff et al. teaches said program of instructions further to receive a time and a channel associated with the particular program (see col. 8 lines 64-67 "The viewer computing unit checks the appropriate channel and time slot of the EPG data structure 48 to determine if the program being carried on the selected channel at this time is interactive (step 152)"); and provide the time and the channel to the program database (see col. 8 lines 64-67 "The viewer computing unit checks the appropriate channel and time slot of the EPG data structure 48 to determine if the program being carried on the selected channel at this time is interactive (step 152).") It is interpreted that the time and channel information associated with the particular program is provided to the program database (Program Information database 46 that is within EPG server 44) to check if the particular program is interactive or not).

As for **Claim 34**, Shoff et al. teach the channel is accessed from a tuner (see fig. 6 step 150, col. 8 lines 62-64 "The method begins when a viewer tunes to a particular channel (step 150 in FIG. 6). The channel navigator 102 **controls the tuner 98 to tune to the channel**").

As for **Claim 36**, Shoff et al. teach the program database includes an Internet database (see col. 7 lines 19-25 “The headend 22 serves the programs over a first network 74, which may be implemented like the fiber optic distribution structure described above, or as a satellite system or other wireless broadcast system, or as a conventional data network. It is noted that other program providers may be used instead of a headend, such as a broadcast station of an **online service provider**.” When an online service provider is used, it is interpreted that the program database includes an Internet database.).

As for **Claim 37**, Shoff et al. teach the information database is accessible through the Internet (see col. 7 lines 26-35 “The interactive entertainment system 60 also includes multiple independent service providers (ISPs), as represented by ISP 80, which distribute digital content to the viewer computing unit 62 over a second network 82. **An example of the second network 82 is a public network, such as the Internet**. The ISP 80 has a host 84 and a content database 86 to serve various multimedia content to the viewer’s computer. The ISP host 84 stores one or more target resources that can be rendered by the viewer computing unit”).

As for **Claim 39**, Shoff et al. teach the particular program is a multimedia program (see col. 4 lines 18-20 “These programs might include traditional broadcast TV shows, movies, games, and the like.” Broadcast TV shows, movies, and games are interpreted to be multimedia files because they typically incorporate video, audio, and text files).

As for **Claim 40**, Shoff et al. teach the at least one portion of the program content information is a brief description of the program content information (see col. 3 lines 28-35 “The Internet browser uses the target specification in the EPG to start the target resource. The target resource contains the supplemental content to enhance the television program. The supplemental content might be, for example, questions about the program, games, trivia information, **facts about the actors and producers**, information on other episodes, advertisements, **a listing of products or memorabilia about the program**, and so on.” Facts about the actors and producers are interpreted to be part of a brief description of the particular program.).

As for **Claim 43**, Shoff et al. teach the program identifier is a program title (col. 8 lines 35-44 “An EPG application 104 is stored in program memory 96 and executes on the processor 92 to organize programming information downloaded from the EPG server at the headend. The EPG 104 supports a displayable user interface (UI) which visually correlates **programs titles** to scheduled viewing times and tuning information, such as a channel, in a scrollable grid format.” The program title is interpreted to be a program identifier.)

As for **Claim 44**, Shoff et al. teach the at least a portion of the program content information includes displaying the representation of the program content information on a display device (see fig. 8b col. 10 line 59 – col. 11 line 2 “FIG. 8b illustrates a screen 200 that is part of the interactive mode. Here, the video program is constrained within a program boundary 210, which is less than full-screen size. The program boundary 210 has been reduced in comparison to the full-size representation of FIG. 8a to make room for supplemental content. In

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this illustration, **the supplemental content consists of a main menu having soft buttons 212-221, a highlighter or cursor icon 224, graphics bars 226, and a text block 228 to hold the program title. The soft buttons 212-221 present various control options to the viewer to invite interactive involvement with the program.**”).

As for **Claim 45**, Shoff et al. teach said program of instructions further comprising instructions to present an advertisement associated with the information database to the user (see col. 3 lines 28-35 “The Internet browser uses the target specification in the EPG to start the target resource. The target resource contains the supplemental content to enhance the television program. The supplemental content might be, for example, questions about the program, games, trivia information, facts about the actors and producers, information on other episodes, **advertisements**, a listing of products or memorabilia about the program, and so on.”).

As for **Claim 47**, Shoff et al. teaches the method of claim 1, wherein the one or more user selected criteria includes a list of actors associated with the particular program (cast and crew biographies, interviews with the actors/actresses)(col. 11, l. 25-31).

As for **Claim 48**, Shoff et al. teaches the method of claim 1, wherein the one or more user selected criteria includes information related to a director associated with the particular program (cast and crew biographies)(col. 11, l. 25-30).

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As for Claim 50, Shoff et al. teaches the method of claim 1, wherein the one or more user selected criteria includes information related to trivia information associated with the particular program (col. 11, l. 39-44).

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 7, 14, 27, 30, 38, and 42 are rejected under 35 U.S.C. 103(a) as being unpatentable over Shoff et al. (U.S. Patent # 6,240,555).

As for **Claims 7, 30, and 38**, Shoff et al. do not expressly teach the information database includes an Internet search engine. However, **Official Notice** (MPEP § 2144.03) is taken the both the concepts and advantages of using an Internet search engine to access information from a database are well known and expected in the art. At the time the invention was made, it would have been obvious to one with ordinary skill in the art to have modified the teaching of Shoff et al. to include an Internet search engine to access information from the information database. One of ordinary skill in the art at the time the invention was made would have been motivated to use an Internet search engine to access information from the information database in order to

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efficiently search through the volumes of information that is contained in the information database to retrieve information.

As for **Claims 14, 27, and 42**, Shoff et al. do not expressly teach the at least a portion of the program content information is a detailed description of the particular program. However, Shoff et al. teach a portion of the program content information includes information related to the particular program (see col. 3 lines 28-35 “The Internet browser uses the target specification in the EPG to start the target resource. The target resource contains the supplemental content to enhance the television program. The supplemental content might be, for example, questions about the program, games, trivia information, facts about the actors and producers, information on other episodes, advertisements, a listing of products or memorabilia about the program, and so on.”). However, **Official Notice** (MPEP § 2144.03) is taken the both the concepts and advantages of providing detailed description of the particular program are well known and expected in the art. At the time the invention was made, it would have been obvious to one with ordinary skill in the art to have modified the teaching of Shoff et al. to have at least a portion of the program content information to provide a detailed description of the particular program. One of ordinary skill in the art at the time the invention was made would have been motivated to provide more detailed description of the particular program in order to provide the viewer with more information about the particular program.

7. Claims **46, 49** are rejected under 35 U.S.C. 103(a) as being unpatentable over Shoff et al. in view of Yuen et al.

Referring to claim **46**, Shoff et al. discloses the method of claim 1. Shoff et al. does not disclose that one or more user selected criteria includes a level of description detail. Yuen et al. discloses two levels of detail that are available for a program description. A first level of detail is displayed in area 44. When more detail is desired, the viewer operates input device 28 to display a second level detail of the program description (p. 4, paragraph 49)(Fig. 7). It would have been obvious to one of ordinary skill in the art at the time that the invention was made to modify Shoff et al. to include a viewer option of displaying more program description detail such as that taught by Yuen et al. in order to provide a viewer with more information with which to make a viewing decision.

Referring to claim **49**, Shoff et al. discloses the method of claim 1. Shoff et al. does not disclose that one or more user selected criteria includes information related to a running time of the particular program. Yuen et al. discloses a program description area 44 that includes the start time and length (duration) of the program being described (p. 3 paragraph 42)(Fig. 2). It would have been obvious to one of ordinary skill in the art at the time that the invention was made to modify the soft button selection of Shoff et al. to include providing the program length (duration) such as that included in the program description of Yuen et al. in order to provide a viewer with more information with which to make a viewing decision.

8. Claim **51** is rejected under 35 U.S.C. 103(a) as being unpatentable over Shoff et al. in view of Boyer et al.

Referring to claim **51**, Shoff et al. discloses the method of claim 1. Shoff et al. does not disclose including parental ratings information associated with a particular program. Boyer et al. discloses a program description that may contain the Movie Picture Association of America (MPAA) rating for movies or the television rating for television programs (col. 10, l. 19-24). It would have been obvious to one of ordinary skill in the art at the time that the invention was made to modify the soft button selection of Shoff et al. to include providing MPAA or television ratings such as that included in the program description of Boyer et al. in order to provide a viewer with more information with which to make a viewing decision.

Conclusion

9. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael Van Handel whose telephone number is 571.272.5968.


The examiner can normally be reached on Monday-Friday, 8:00am-5:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chris Kelley can be reached on 571.272.7331. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Michael Van Handel
Examiner
Art Unit 2617

MVH


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